

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,517

IN THE MATTER OF:

Served June 1, 2007

ALEM MESFIN, Trading as AM)	Case No. MP-2006-201
TRANSPORTATION, Suspension and)	
Investigation of Revocation of)	
Certificate No. 1233)	

This matter is before the Commission on respondent's response to Order No. 10,147, served December 19, 2006.

Under the Compact, a WMATC carrier may not engage in transportation subject to the Compact if the carrier's certificate of authority is not "in force."¹ A certificate of authority is not valid unless the holder is in compliance with the Commission's insurance requirements.²

Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 1233 for a minimum of \$1.5 million in combined-single-limit liability coverage and maintain on file with the Commission at all times proof of coverage in the form of a WMATC Certificate of Insurance and Policy Endorsement (WMATC Insurance Endorsement) for each policy comprising the minimum.

Certificate No. 1233 was rendered invalid on December 19, 2006, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 10,147 noted the automatic suspension of Certificate No. 1233 pursuant to Regulation No. 58-02, directed respondent to cease transporting passengers for hire under Certificate No. 1233, and gave respondent thirty days to replace the cancelled endorsement and pay the \$50 late fee due under Regulation No. 67-03(c) or face revocation of Certificate No. 1233.

Respondent submitted a \$1.5 million primary WMATC Insurance Endorsement on January 26, 2007, and paid the \$50 late fee on May 15, 2007. The effective date of the new endorsement is February 1, 2007. This means that respondent was without insurance coverage for forty-four days, from December 19, 2006, through January 31, 2007.

Under Commission Rule No. 28, respondent is required to verify that it ceased transporting passengers for hire under Certificate No. 1233 as directed by Order No. 10,147. We will give respondent thirty days to verify that it ceased operations as of December 19,

¹ Compact, tit. II, art. XI, § 6(a).

² Compact, tit. II, art. XI, § 7(g).

2006. Inasmuch as respondent's general tariff covers service rendered to the general public and to clients of the District of Columbia Department of Health, Medical Assistance Administration (DC Medicaid), respondent's verification shall be corroborated by evidence from respondent's general business records and by confirmation from DC Medicaid.³

THEREFORE, IT IS ORDERED:

1. That within thirty days from the date of this order, respondent shall verify it ceased all operations in the Metropolitan District as of December 19, 2006.

2. That within thirty days from the date of this order, respondent shall submit confirmation from DC Medicaid that respondent ceased operations as of December 19, 2006.

3. That within thirty days from the date of this order, respondent shall produce any and all books, papers, correspondence, memoranda, contracts, agreements, and other records and documents, including any and all stored electronically, that are within respondent's possession, custody or control and which relate to the transportation of passengers for hire between points in the Metropolitan District during the period beginning November 1, 2006, and ending on the date of this order, including, but not limited to any and all:

- a. customer contracts and invoices;
- b. invoices from other carriers;
- c. calendars and itineraries;
- d. bank and payroll records;
- e. insurance documents;
- f. advertising materials;
- g. income tax and personal property returns.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.
Executive Director

³ See *In re Special People Transportation, LLC*, No. MP-06-103, Order No. 9849 (Aug. 18, 2006) (requiring records and Medicaid corroboration).